(2)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

FIRST
~~MISC.~~ APPEAL NO. 126 /2006.

APPELLANTS

Awadh Ram died , his legal heirs are :-

1. Smt. Rameshwari Bai widow of Awadhram aged about 62 years.
2. Ramnath s/o Awadh Ram aged about 51 years.
3. Jitendra Kumar s/o Awadhram aged about 24 years.

All residents of Ward No.12 Tahsil Sakti Distt.Janjgir-Champa (C.G.).

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VERSUS

RESPONDENTS

1. The State of Chhattisgarh Through Collector District Janjgir-Champa (C.G.).
2. Land Acquisition Officer Bango Project Sakti Distt.Janjgir-Champa (C.G.)

P.R. No. 1406/06
Presented by Shri U.K. Sharma
dated 10.5.06

APPEAL UNDER SECTION 54 OF THE LAND ACQUISITION ACT, 1984. SUIT VALUED RS. 3,40,988/-

(43)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक F.A. No. 126/.. **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18/01/2007

Shri Ram Kumar Tiwari, counsel for the appellants.

Shri G.D. Vaswani, Govt. Advocate for the State.

Heard on admission.

Brief facts are that upon a reference made by the Collector under Section 18 (2) of Land Acquisition Act, the Additional District Judge, Sakti in Miscellaneous Civil Suit No. 85/2005 fixed the market value of land bearing Khasra No. 223/1 area measuring 0.263 hectares belonging to the appellants herein situated in village Nandeli, Patwari Halka No. 6 at Rs.1,46,932/- and after awarding solatium at 30% of the aforesaid amount awarded a sum of Rs.1,91,012/- as compensation.

I have perused the record of Miscellaneous Civil Suit No. 85/05. I have also perused the evidence adduced by the appellants and also the impugned order passed by the learned Additional District Judge, Sakti. The learned Additional District Judge has taken into consideration the market value of land to be acquired which is notified under Section 4 (1) of the Land Acquisition Act at Rs.5,58,675/- per hectare. It has also taken into consideration that the appellants had neither purchased nor sold any land in the vicinity as alleged by the respondents. In support of the contentions that land in Village Nandeli was being sold at @ Rs.10000/- to Rs.15000/- per decimal, the appellants herein had filed a copy of the registered sale deed dated 02.02.1996 pertaining to Khasra No. 815/03 area measuring 0.08 acres having been sold at Rs.42,000/-. Thus

XI-HC-78

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Kamde	even as per the document this land was sold @ Rs.5,500/- per decimal. A perusal of copy of the sale deed filed by the appellants shows that it pertains to Khasra No. 815/3 whereas land in question is Khasra No. 223/1. Thus, the appellants did not file a copy of sale deed of any land which was sold in vicinity of the land in question. The evidence led by the appellants is thus vague. I am of the considered opinion that the compensation awarded by the learned Additional District Judge, Sakti is just compensation and cannot be faulted with. In the result, this appeal is being devoid of merit is dismissed at the stage of admission. No order as to costs. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

P.T.O.